



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0276/en
SRM:kjf:...

2011 ASSEMBLY BILL 55

1 AN ACT *to repeal* 346.22 (1) (f); *to renumber and amend* 343.30 (1j) and 345.60
2 (4); and *to amend* 38.04 (4) (e) 3., 115.28 (11) (c), 343.30 (1), 343.31 (3) (a),
3 343.38 (3), 343.71 (5) (c), 345.60 (1), 346.22 (1) (c), 346.22 (1) (d) and 346.22 (1)
4 (e) of the statutes; **relating to:** vehicle failure-to-yield violations and driver
5 education instruction.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1g. 38.04 (4) (e) 3. of the statutes is amended to read:
7 38.04 (4) (e) 3. ~~Includes information~~ Provides at least 30 minutes of instruction
8 on motorcycle awareness, as approved by a recognized motorcycle safety and
9 awareness organization, and pedestrian and bicycle awareness, as approved by a
10 recognized pedestrian and bicycle safety and awareness organization.

ASSEMBLY BILL 55**SECTION 1m**

1 **SECTION 1m.** 115.28 (11) (c) of the statutes is amended to read:

2 115.28 **(11)** (c) Provide ~~information~~ at least 30 minutes of instruction on
3 motorcycle awareness, as approved by a recognized motorcycle safety and awareness
4 organization, and pedestrian and bicycle awareness, as approved by a recognized
5 pedestrian and bicycle safety and awareness organization.

6 **SECTION 1r.** 343.30 (1) of the statutes is amended to read:

7 343.30 **(1)** A court may suspend a person's operating privilege for any period
8 not exceeding one year upon such person's conviction in such court of violating any
9 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
10 violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which
11 operating privilege suspension is required under s. 343.31 (2t) (a).

12 **SECTION 2.** 343.30 (1j) of the statutes is renumbered 343.31 (2t) (a), and 343.31
13 (2t) (a) (intro.), 1., and 2., as renumbered, are amended to read:

14 343.31 **(2t)** (a) (intro.) ~~Upon conviction of a person for violating s. 346.18, the~~
15 ~~court~~ The department shall suspend the violator's a person's operating privilege
16 upon receiving a record of conviction for a violation of s. 346.18, or a local ordinance
17 in conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4),
18 great bodily harm, as defined in s. 939.22 (14), or death, as follows:

19 1. For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to
20 another but did not result in great bodily harm or the death of another.

21 2. For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm
22 to another but did not result in the death of another.

23 **SECTION 3.** 343.31 (3) (a) of the statutes is amended to read:

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1 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
2 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
3 one year.

4 **SECTION 4.** 343.38 (3) of the statutes is amended to read:

5 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
6 s. 343.10, the department shall not reinstate the operating privilege of a person
7 whose operating privilege has been duly suspended while the suspension remains in
8 effect. ~~Upon~~ Subject to s. 343.31 (2t) (b), upon the expiration of the period of
9 suspension, the person's operating privilege is reinstated upon receipt by the
10 department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of
11 an operating privilege suspended under ch. 344, the filing with the department of
12 proof of financial responsibility, if required, in the amount, form, and manner
13 specified under ch. 344.

14 **SECTION 4m.** 343.71 (5) (c) of the statutes is amended to read:

15 343.71 (5) (c) ~~Includes information~~ Provides at least 30 minutes of instruction
16 on motorcycle awareness, as approved by a recognized motorcycle safety and
17 awareness organization, and pedestrian and bicycle awareness, as approved by a
18 recognized pedestrian and bicycle safety and awareness organization.

19 **SECTION 5.** 345.60 (1) of the statutes is amended to read:

20 345.60 (1) Except as provided in ~~subs. (3) and (4)~~ sub. (3) and s. 343.31 (2t) (b),
21 in addition to or in lieu of other penalties provided by law for violation of chs. 346 to
22 348, the trial court may in its judgment of conviction order the convicted person to
23 attend, for a certain number of school days, a traffic safety school whose course and
24 mode of instruction is approved by the secretary, ~~subject to sub. (4)~~, and which is
25 conducted by the police department of the municipality, by the sheriff's office of the

ASSEMBLY BILL 55**SECTION 5**

1 county, or by any regularly established safety organization. The trial court may not
2 order a person to attend a traffic safety school under this subsection if the
3 department is required to order that the person attend a vehicle right-of-way course
4 under s. 343.31 (2t) (b).

5 **SECTION 6.** 345.60 (4) of the statutes is renumbered 343.31 (2t) (b) and amended
6 to read:

7 343.31 **(2t)** (b) If a person is convicted of violating s. 346.18 or a local ordinance
8 in conformity with s. 346.18, in addition to any other penalty provided by law, ~~a court~~
9 the department shall order the person to attend a school under sub. (1), which a
10 vehicle right-of-way course whose mode of instruction is approved by the secretary
11 and which is conducted by any regularly established safety organization, by the
12 provider of driver education courses approved under s. 38.04 (4) or 115.28 (11), or by
13 a driver school licensed under s. 343.61. The course of instruction shall acquaint the
14 person with vehicle right-of-way rules and provide instruction on motorcycle,
15 pedestrian, and bicycle awareness. If the course is conducted by the provider of
16 approved driver education courses or a driver school, the provider or driver school
17 shall issue to the person a certificate upon successful completion of the course. If a
18 person's operating privilege has been suspended under par. (a), the department may
19 not reinstate the person's operating privilege unless the person has successfully
20 completed the course required under this paragraph.

21 **SECTION 7.** 346.22 (1) (c) of the statutes is amended to read:

22 346.22 **(1)** (c) If a person violates s. 346.18 and the violation results in bodily
23 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200 ~~and shall~~
24 ~~have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

25 **SECTION 8.** 346.22 (1) (d) of the statutes is amended to read:

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1 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
2 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
3 ~~shall have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

4 **SECTION 9.** 346.22 (1) (e) of the statutes is amended to read:

5 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
6 to another, the person shall forfeit \$1,000 and ~~shall have his or her operating~~
7 ~~privilege suspended as provided in s. 343.30 (1j).~~

8 **SECTION 10.** 346.22 (1) (f) of the statutes is repealed.

9 **SECTION 11. Initial applicability.**

10 (1) RIGHT-OF-WAY VIOLATIONS. The treatment of sections 343.30 (1) and (1j),
11 343.31 (3) (a), 343.38 (3), 345.60 (1) and (4), and 346.22 (1) (c), (d), (e), and (f) of the
12 statutes first applies to violations occurring on the effective date of this subsection,
13 but does not preclude the counting of other violations as prior violations for purposes
14 of sentencing a person.

15 (2) DRIVER EDUCATION COURSES. The treatment of sections 38.04 (4) (e) 3., 115.28
16 (11) (c), and 343.71 (5) (c) of the statutes first applies to driver education courses that
17 begin on the effective date of this subsection.

18 **SECTION 12. Effective date.**

19 (1) This act takes effect on the first day of the 4th month beginning after
20 publication.

21

(END)